

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

KOICHI SAITO and LYNNEA  
SAITO,

Plaintiffs,

v.

Case No.: 2:23-cv-266-JLB-KCD

COREY LEWIS, PRATIK PATEL,  
MOLLY EMMA CAREY, JOSEPH  
FOSTER, DE CUBAS AND  
LEWIS, PA and STATE OF  
FLORIDA,

Defendants.

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**ORDER**

The Saitos move for default against Defendants Pratik Patel, Corey Lewis, Molly Carey, and DeCubas & Lewis, PA, for failure to respond to the complaint. (Doc. 28.) The motion is **denied** because these Defendants filed a motion to dismiss for failure to state a claim, which is considered a responsive pleading under the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 12(b).

**ORDERED** in Fort Myers, Florida this June 8, 2023.

  
Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record